

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

**PENDING CHARGE:** On July 17, 2024, the Grand Jury returned a one-count Indictment charging Defendant Dustin Edward Talbott with being a felon in possession of a firearm, and in the alternative being an unlawful user of a controlled substance in possession of a firearm.

The following matters were discussed and action taken during the pretrial conference:

## TRIAL COUNSEL:

Government: William A. Alford, III and James Kirkpatrick

Case Agent: Detective Steve Cook, Independence Police Department

Paralegal: Michelle Wells

Defense: Lesley Diana Smith and Carie Allen (second chair)

Investigator: Kendra Jackson

**CERTIFICATE OF COMPLIANCE:** The Government and defense counsel have certified that each have produced all discovery in accordance with the deadlines established in the Arraignment and Discovery Order and have timely complied with all pretrial filing deadlines established by the Scheduling and Trial Order up to the date of the pretrial conference.

**OUTSTANDING MOTIONS:** No outstanding motions.

## TRIAL WITNESSES:

Government: 7 with stipulations; 9 without stipulations

Defendant: 2 witnesses, including the Defendant

## TRIAL EXHIBITS:

Government: approximately 50 exhibits

Defendant: approximately 10-15 exhibits

#### DEFENSES: General denial.

**POSSIBLE DISPOSITION:**

(X) Definitely for trial; ( ) Possibly for trial; ( ) Likely a plea will be worked out

**TRIAL TIME: 2 days total**

Government's case including jury selection: 1½ to 2 day(s)

Defendant: 1/2 day(s)

**STIPULATIONS:** The parties have agreed to a stipulation regarding prior felony conviction. The Defendant is still considering the Government's proposed stipulation regarding interstate nexus.

**UNUSUAL QUESTIONS OF LAW:** Potential post-conviction motion based on the alternate charge of being a drug user in possession of a firearm.

**FILING DEADLINES:** The parties are reminded of the following pretrial filing deadlines as originally set forth in the Scheduling and Trial Order (Doc. #15):

**Witness and Exhibit Lists: Due no later than fourteen days prior to trial.**

Please note: Counsel are requested to list witnesses in alphabetical order on their witness list.

**Motion in Limine: Due no later than fourteen days prior to trial.**

**Stipulations: Due no later than fourteen days prior to trial.**

**Additionally, Exhibit Index, if required by the District Court, Voir Dire, Jury Instructions are due no later than seven days prior to trial.**

**Please Note:** Jury instructions must comply with Local Rule 51.1

**TRIAL SETTING:** Criminal jury trial docket set for August 11, 2025.

**Please note:** The Government's case agent has a conflict the first part of the first week of the docket and on the morning of Monday, August 18. Additionally, assuming there is no stipulation as to the interstate nexus, another Government witness has a conflict the first week of the docket. Therefore, the Government requests the second week of the docket (excluding August 18). Defense requests the first week as defense counsel will be out of the office starting the afternoon of August 21 and the second chair has a conflict (a court hearing) on August 19. Therefore, the parties are requesting either August 13 through 15 (if there is no stipulation as to interstate nexus) or the afternoon of August 18 through 20.

**IT IS SO ORDERED.**

*/s/ Lajuana M. Counts*

Lajuana M. Counts  
United States Magistrate Judge